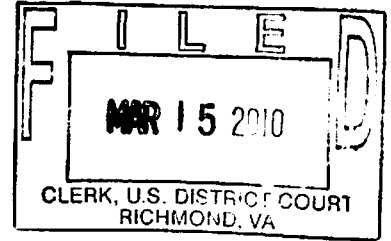


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



A SOCIETY WITHOUT A NAME FOR
PEOPLE WITHOUT A HOME
MILLENNIUM-FUTURE-PRESENT
("ASWAN"),

Plaintiff,

v.

Civil Action No. 3:09CV480

COMMONWEALTH OF VIRGINIA,
et al.,

Defendants.

ORDER

By Order entered herein on November 24, 2009 (Docket No. 34), any pretrial motions were referred to Magistrate Judge M. Hannah Lauck for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 60) entered herein on February 17, 2010, the plaintiff's objections thereto (Docket No. 63), the response of Commonwealth of Virginia to plaintiff's objections (Docket No. 64), the response of Homeward to plaintiff's objections (Docket No. 66), and a letter from counsel for the City of Richmond, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

- (1) The plaintiffs' objections are overruled;

(2) The REPORT AND RECOMMENDATION of the Magistrate Judge is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) DEFENDANT HOMEWARD'S MOTION TO DISMISS (Docket No. 35) is granted;

(4) DEFENDANT CITY OF RICHMOND'S MOTION TO DISMISS SECOND AMENDED COMPLAINT (Docket No. 39) is granted;

(5) COMMONWEALTH OF VIRGINIA'S MOTION TO DISMISS SECOND AMENDED COMPLAINT (Docket No. 40) is granted; and

(6) The SECOND AMENDED COMPLAINT (Docket No. 33) is dismissed.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: March 12, 2010